

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:04CR3142
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
DAMARIO WATERS,	)	
	)	
Defendant.	)	

IT IS ORDERED that:

- (1) The government's request for hearing is granted.
- (2) A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) (filing 59) has been set before the undersigned United States district judge on Friday, January 8, 2010, at 3:00 p.m., in Courtroom No. 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
- (3) At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.
- (4) The Marshal is directed not to return the defendant to the district.
- (5) The defendant is held to have waived his right to be present.

Dated December 18, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge